

**ARTICLE 6  
TELECOMMUNICATIONS UTILITIES**

**SUBARTICLE 1**

**GENERAL**

**103-600. Authorization of Rules.**

A. Section 58-9-810 of the Code of Laws of South Carolina, 1976, provides:

"The ~~E~~commission may make such rules and regulations not inconsistent with law or statute as may be proper in the exercise of its powers or for the performance of its duties under Articles 1 through 13 of this chapter all of which shall have the ~~effect~~ force of law."

In accordance with the above provisions, the Public Service Commission has adopted the following rules and regulations and fixed the following standards to govern telephone and telegraph service by telephone and telegraph utilities, ~~such rules effective June 30, 1989.~~

All previous rules and regulations or standards are hereby annulled, revoked and superseded.

B. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending or revoking them in whole or part, or from requiring any other or additional service, equipment, facility or standard, either upon complaint or upon its own motion, or upon the application of any telephone or telegraph utility.

**103-601. Application of Rules.**

1. Jurisdiction. These rules and regulations shall apply to any person, firm, partnership, cooperative or corporation, which is now or may hereafter become engaged as a telephone utility in the business of furnishing communications service to any customer within the State of South Carolina and to the customers of such telephone utility.

2. Purpose. These rules and regulations are intended to define good practices. They are intended to insure adequate and reasonable service. The utilities shall assist the ~~E~~commission with the implementation of these rules and regulations.

3. Waiver of Rules. In any case where compliance with any of these rules and regulations introduces unusual difficulty such rule or regulation may be waived by the ~~E~~commission upon a finding by the ~~E~~commission that such a waiver is in the public interest.

**103-602. Definitions.**

The following words and terms, when used in these rules and regulations, shall have the

meaning indicated below.

**~~103-602.1. Access Line.~~**

~~The circuit between a subscriber's standard interface located on the subscriber's premises and the central office.~~

**~~103-602.2. Commission.~~**

~~The Public Service Commission of South Carolina.~~

**~~103-602.3. Utility.~~**

~~Any telecommunications utility operating under the jurisdiction of the Commission.~~

**~~103-602.4. Customer.~~**

~~Any person, firm, association or corporation, or any agency of the Federal, State or local government, being supplied telecommunications service by a utility.~~

**~~103-602.5. Reference.~~**

~~For the purpose of these rules and regulations the reference as specified in R.642 will be used for the definitions of terms, abbreviations, units of measure, etc.~~

**~~103-602.6. Standard Network Interface.~~**

~~The point of demarcation between telephone company owned facilities and customer-owned wiring and/or equipment.~~

**~~103-602.7. Interexchange Carrier.~~**

~~Carrier authorized by the Commission to provide services related to long distance services.~~

**~~103-602.8. Cocot.~~**

~~Customer Owned Coin Operated Telephone.~~

**~~103-602.9. Radio Common and Cellular Carrier.~~**

~~A mobile telecommunications carrier licensed by the Federal Communications Commission and authorized by the Commission to receive and transmit signals from mobile transmitter within a specified geographic area.~~

**~~103-602.10. 900 Numbers.~~**

~~Premium access services furnished by information providers for which end user customers pay on a per call basis. This definition includes all 900 and 900-type access numbers and any similarly promoted pay per call information services.~~

**103-602.11. Information Provider.**

~~An entity, which, on an intrastate or interstate basis, disseminates information for compensation over the telecommunications network. Such entities are usually accessed by end user customers by 900 and 900-type numbers.~~

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**103-602.2. Access Line.**

The circuit between a subscriber's standard interface located on the subscriber's premises and the central office providing access to the public switched telephone network.

**103-602.3. Commission.**

The Public Service Commission of South Carolina.

**103-602.4. Customer.**

Any person, firm, association or corporation, or any agency of the Federal, State or local government, being supplied telecommunications service by a utility.

**103-602.5. Information Provider.**

An entity which, on an intrastate or interstate basis, disseminates information for compensation over the telecommunications network. Such entities are usually accessed by end user customers by 900 and 900-type numbers.

**103-602.6. Interexchange Carrier.**

Carrier authorized by the Commission to provide services related to long distance services.

**103-602.7. ORS.**

Office of Regulatory Staff

**103-602.8. PSP.**

Payphone Service Provider.

**103-602.9. Radio Common and Cellular Carrier.**

A mobile telecommunications carrier licensed by the Federal Communications Commission (FCC) and authorized by the ~~Commission~~ FCC to receive and transmit signals from mobile transmitter within a specified geographic area.

**103-602.10. Reference.**

For the purpose of these rules and regulations the reference as specified in R.642 will be used for the definitions of terms, abbreviations, units of measure, etc.

**103-602.11. Standard Network Interface Device.**

The point of demarcation between telephone company-owned facilities and customer-owned wiring and/or equipment.

**103-602.12. Telephone Utility.**

A telephone utility operating under the jurisdiction of the ~~Commission~~.

**103-603. Authorization for Rates and Charges.**

A. No schedules of rates; or tariffs; ~~nor contracts~~ involving rates under the jurisdiction of ~~this the~~ the ~~Commission~~ shall be changed until after proposed change has been approved by the ~~Commission~~, unless they are exempt from such approval by statute, order of the Commission, or other provision of law.

B. All rates, tolls, or charges; ~~and contracts~~ involving rates under the jurisdiction of ~~this the~~ the ~~Commission~~ proposed to be put into effect by any telephone utility shall be first approved by ~~this the~~ the ~~Commission~~ before they shall become effective, unless they are exempt from such approval by statute, order of ~~this the~~ the ~~Commission~~, or other provision of law.

C. No rate; or toll charge; ~~nor contract~~ involving rates under the jurisdiction of ~~this the~~ the ~~commission~~ of any telephone utility shall be deemed approved nor consented to by the mere filing of a schedule or other evidence thereof in the offices of the ~~Commission~~, unless otherwise provided for by law.

**103-604. Territory and Certificated Area.**

Each telephone utility shall provide service only within its certified area, unless exempt by ~~Commission~~ action, order or statute.

### **103-605. Telephone Utility Rules and Regulations.**

Each telephone utility shall adopt such rules, regulations, operating procedures, policies and instructions as may be necessary to govern all aspects of telephone service to its customers so long as those rules and regulations, operating procedures, policies and instructions are not in contradiction to rules and regulations and orders of ~~this~~ the ~~Commission~~ or other statutory laws.

All rules and regulations, operating procedures, policies and instructions as outlined above are subject to review by the ~~Commission~~ and a copy shall be provided to the ORS.

### **103-606. Service Offerings.**

Each telephone utility is authorized to offer such types, class, grades, classification and forms of service as it may deem necessary, ~~so long as each type, class, grade, classification or form of service has been approved or authorized by this Commission.~~

## **SUBARTICLE 2**

### **RECORDS AND REPORTS**

#### **103-610. Location of Records and Reports.**

All records required by these rules or necessary for the administration thereof, shall be kept within the State, unless otherwise authorized by the commission. These records shall be available for examination by the ~~Commission or~~ ORS, or its authorized representatives at all reasonable hours.

#### **103-611. Retention of Records.**

Retention of records shall be as specified in the Federal Communications Commission's Rules and Regulations, Part 42, unless otherwise directed by the ~~Commission~~. Further, the ~~Company~~ telephone utility shall maintain sufficient records necessary to verify and substantiate all requirements included in these rules. These records include, but are not limited to, trouble reports, service orders, itemized customer billing records, customer deposits, and complaints.

#### **103-612. Data to be Filed with the Commission and Provided to the ORS.**

The telephone utility shall file ~~with the Commission~~ the following documents and information:

1. Annual Report. Each telephone utility operating in the State shall file an annual report with ~~this~~ the ~~Commission~~ and provide a copy to the ORS, giving such information as the ~~Commission~~ may direct.

2. Current Information and Documents. The information required under this Section shall be kept current at ALL TIMES.

2.1. Tariff. Each telephone utility shall file ~~a tariff~~ for approval with the Commission and serve on the ORS a tariff with respect to all regulated services.

A. Each telephone utility must provide the ORS a copy of its most recent tariffs.

B. The telephone utility's tariff shall include:

a. A copy of the telephone utility's rules, terms, or conditions, describing the telephone utility's policies and practices in rendering regulated services.

b. A list of all types, grades, classifications and forms of regulated service offered.

~~c. A list of the items which the utility furnishes, owns and maintains on the customers' premises, for which a charge is made.~~

~~dc. The charges for installation, cost per month or otherwise of the above items and non-recurring charges, recurring charges, and the termination charges, if any, that apply to the services.~~

~~ed. Definitions of all types, classes, grades, classifications, and forms of regulated service offered.~~

2.2. Customer Bill. Each telephone utility shall ~~file in the office of the Commission~~ provide to the ORS a copy of the form used for billing.

2.3. Operating Area Maps. Each telephone utility shall file with ~~this the Commission~~ and provide to the ORS a map or maps showing its certificated area and/or exchange service area(s). These maps should be of such detail and scale that boundary lines between exchange service areas and boundary lines between telephone companies are accurately locatable.

The maps, as outlined above, shall be revised whenever boundary changes are made and shall be signed by the proper officials and filed for approval with ~~this the Commission~~.

2.4. Authorized Telephone Utility Representative. Each telephone utility shall maintain with the ~~Commission~~ and furnish a copy to the ORS, the name, title, address, and telephone number of the persons who should be contacted in connection with:

a. General Management Duties

b. Customer Relations (Complaints)

c. Engineering Operations

d. Test and Repairs

e. Emergencies during non-office hours

2.5. Number of Customers. Each telephone utility shall furnish to the ~~Commission~~ ORS the total number of subscribers and access lines in service at the end of each calendar year. This information is to be ~~filed~~ provided by January 31 of the following year.

**103-613. Inspection of Telephone Utility Plant.**

A. Each telephone utility shall, upon request of the ~~Commission~~ ORS, ~~file with~~ provide to the ~~Commission~~ ORS a statement regarding the condition and adequacy of plant, equipment, facilities and service in such form as the ~~Commission~~ ORS may require.

B. Each telephone utility shall keep sufficient records to give evidence of compliance with its inspection programs as set forth in R. 103-640 through 654 of these rules and regulations.

**103-614. Interruption of Service.**

Each telephone utility shall keep a record of any condition resulting in any interruption of service affecting its entire system or major division of a telephone exchange, including a statement of the time, duration, cause of any such interruption, and steps taken to correct the interruption. The ~~Commission~~ ORS shall be notified of any such interruption, if that interruption exceeds one hour, as soon as practicable. (See ~~ER~~ 103-661). A copy of any written report submitted to any Federal jurisdictional entity shall also be ~~submitted~~ filed with the ~~Commission~~ and a copy provided to the ORS.

**103-615. Accidents.**

Each telephone utility shall maintain adequate and accurate records of each accident happening in connection with the operation of its property, facilities, or service wherein any person shall have been killed or whereby any serious property damage shall have been caused.

**103-616. ~~Commission~~ Complaints Received from the ORS.**

Each telephone utility shall keep a record of all complaints received from the ~~Commission~~ ORS. This record shall show the name and address of the complainant, the date, the nature of the complaint, and the adjustment or disposal thereof. ~~The utility, except in cases of high toll usage, and when given at least four hours notice shall not terminate service to a complainant until an answer to the complaint is conveyed to the Commission. A written or oral response is allowable for complaints that the utility wishes to dispose of immediately. The use of an oral response does not preclude supplying the~~

~~Commission with a written response to written complaints.~~

~~103-616.1. Written Complaints.~~

~~Complaints concerning the charges, practices, facilities, or service of the utility shall be investigated promptly and thoroughly. Each utility shall respond to the complaint conveyed to the utility by the Commission in a timely and thorough manner, not to exceed fourteen days from the receipt of the complaint by the utility in writing. Failure to respond within the specified fourteen day period may result in the granting of the relief requested or such other action as the Commission may deem appropriate.~~

~~103-616.2. Oral Complaints.~~

~~Oral complaints, including inquiries, shall be processed as soon as possible after being received. All complaints of this nature will be investigated and disposed of within 7 days, unless the complaint is of an extraordinary nature.~~

**103-617. Tests.**

Each telephone utility shall keep a record of all tests procedures which are performed as a result of these rules, unless otherwise directed by the ~~€~~commission.

**103-618. Service Reports.**

Each telephone utility shall ~~file~~ provide the following service reports ~~with to~~ the Commission ORS on a quarterly basis within thirty (30) days of the end of the each calendar quarter. Reports shall show results by wire center, central office, exchange, or maintenance group.

A. Trouble reports per hundred access lines:

The report shall contain the total number of actual customer complaints received for each quarter per hundred access lines. Details of the calculations shall be shown by indicating the actual number of reported trouble reports and indicating the corresponding number of access lines for each reporting group. A composite trouble report rate shall be computed for the total telephone utility's regulated operations. Trouble report per hundred access lines rates which exceed the commission's specified objectives (See R. 103-663.6) shall be accompanied by written explanation.

B. Customer out of service trouble clearing times:

The report shall contain the percentage number of out of service reports cleared within twenty four (24) hours, excluding weekends and holidays. The report shall indicate the total actual number of reported customer out of service reports for each reporting group. Out of service clearing times which exceed the ~~€~~commission's specified objective (See R. 103-663.7) shall be accompanied by written explanation.



### **103-619. Held Applications/Availability of Service.**

The following information shall be ~~filed with the Commission~~ provided to the ORS on a quarterly basis within thirty (30) days of the end of ~~the~~ each calendar quarter. Reported information which indicates that the ~~C~~commission's specified objectives have not been met shall be accompanied by explanation. Reports shall show results by wire center, central office, exchange or maintenance group. This information shall be reported as a percentage of work order activity characterized as follows:

- a. The number of applications for new service held over thirty (30) days.
- b. The number of applications for regrade held over thirty (30) days.
- c. The total number of access lines.
- d. The percentage of service orders for installations and re-installations completed within five (5) working days.
- e. Commitments fulfilled.

## **SUBARTICLE 3**

### **CUSTOMER RELATIONS**

#### **103-620. Customer Information.**

Each telephone utility shall:

- a. Maintain up-to-date maps, plans, or records of its entire system, with other information as may be necessary to enable the telephone utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.
- b. If required by law and so directed by the ~~C~~commission, notify by mail each customer affected in writing, of any proposed changes in rates and charges. The form of such notification shall be prescribed by the ~~C~~commission. A certification that the above notice requirement has been met shall be furnished to the ~~C~~commission and served on the ORS by the telephone utility.
- c. Post a notice in a conspicuous place in each office of the telephone utility where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the telephone utility, as ~~filed with the~~ approved by the ~~C~~commission, are available for inspection at the ORS.
- d. Furnish, upon request, information as to the telephone utility's billing procedures.

e. ~~Each utility shall provide~~ Provide adequate means whereby each customer can contact repair service at all hours.

f. Furnish such additional reasonable information as customers may request.

g. Notify all customers making a complaint that the telephone utility is under the jurisdiction of the ~~Commission~~, that the ORS investigates complaints regarding telephone utilities, and that the customer may wish to contact the ~~Commission~~ ORS about the complaint.

### **103-621. Customer Deposits.**

A. Each telephone utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for service, if any of the following conditions exist:

1. The customer's past payment record to a ~~telecommunications~~ telephone utility shows delinquent payment practice, i.e., customer has had two consecutive 30-day arrearages, or more than two non-consecutive 30-day arrearages in the past 24 months, or customer has been sent four or more late payment notices in the past 9 months, or

2. A new customer cannot furnish either a letter of good credit from a reliable source or an acceptable co-signer or guarantor on the same system within the State of South Carolina to guarantee payment, or

3. A customer has no deposit and presently is delinquent in payments (i.e., has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears, in the past 24 months), or

4. A customer has had his service terminated by any ~~telecommunications~~ telephone utility for non-payment or fraudulent use.

5. The utility determines, through use of commercially acceptable methods, that the customer's credit and financial condition so warrants.

B. Each telephone utility shall inform each prospective customer of the provisions contained in R. 103-621-(A).

C. Excluded from deposit considerations are billings for 900 and 900-type charges, and non-regulated items.

#### **103-621.1. Deposit Receipt.**

Each telephone utility shall issue a receipt of deposit to each customer from whom a deposit is received, and shall provide means whereby a customer may establish his claim if his receipt is lost.

### **103-621.2. Amount of Deposit.**

A. For a new customer, a maximum deposit may be required up to an amount equal to an estimated two (2) months (60 days) total bill (including toll and taxes). For an existing customer, a maximum deposit may be required up to an amount equal to the total actual bills of the highest two (2) consecutive months within the preceding six (6) months.

B. All deposits may be subject to review based on the actual experience of the customer. The amount of the deposit may be adjusted upward or downward to reflect the actual billing experience and the payment habits of the customer.

### **103-621.3. Interest on Deposits.**

A. Simple interest on deposits at the rate as prescribed by the Commission shall be paid by the telephone utility to each customer required to make such deposit for the time it is held by the telephone utility.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer at least every two (2) years and at the time the deposit is returned.

C. The deposit shall cease to draw interest on the date it is returned, the date service is terminated, or on the date notice is sent to the customer's last known address that the deposit is no longer required.

### **103-621.4. Deposit Records.**

Each telephone utility shall keep records to show:

- a. The name and address of each depositor
- b. The amount and date of the deposit
- c. The last transaction concerning the deposits
- d. The reasons why deposit retained after two year retention period (See R. 103-621.5)

### **103-621.5. Deposit Retention.**

Deposits shall be refunded completely with interest after two years unless the customer has had two consecutive 30-day arrearages or more than two non-consecutive 30-day arrearages in the past 24 months, or has had service denied or interrupted for non-payment of bills, or has been sent more than two late payment notices in the past 9 months, or has a returned check in the past 6 months.

### **103-621.6. Unclaimed Deposits.**

A record of each unclaimed deposit must be maintained for at least two years, during which time the telephone utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be turned over to the ~~S.C. Tax Commission~~ State Treasurer as prescribed by law.

### **103-621.7. Deposit Credit.**

Where a customer has been required to make a guaranteed deposit, that deposit shall not relieve the customer of the obligation to pay the service bill when due, but where such deposit has been made and service has been disconnected because of nonpayment of account, then unless the customer shall, within seventy-two hours after service has been disconnected, apply for reconnection of service and pay the account, the account may be discontinued. If the telephone utility discontinues the account, the telephone utility shall apply the deposit of such customer toward the discharge of such account and shall refund to the customer any excess.

### **103-622. Customer Billing.**

Every telephone utility shall render each customer an accurate and timely bill.

#### **103-622.1. Bill Forms.**

Each telephone utility's bill ~~should show the following:~~ must comply with the Federal Communication's "Truth in Billing Requirements" that are in effect at the time the utility's bill is prepared.

~~a. Telephone number or account number when available~~

~~b. Person to whom bill is sent~~

~~c. Dates charged for~~

~~d. Toll charges itemized and coded as to time of day (daytime, evening, etc.) person to person, DDD, etc.~~

~~e. Charge for local service. Such charges should be itemized for residential and single line business subscribers based on the following minimum criteria:~~

~~1. At the time a customer initially applies for service (first bill generated).~~

~~2. When an existing customer applies for a change in the local service(s) provided, either add or discontinue, i.e., TouchTone, Custom Calling feature, etc., (next scheduled bill generated).~~

~~3. Annually. This would occur for any customer who has had service longer than one year and has had no changes to their local service charge (service order activity) during~~

~~the previous 12 months. The status of the customer's access to 900 numbers (blocked or not blocked) should be indicated in this annual statement.~~

~~f. Taxes~~

~~g. Balance brought forward~~

~~h. Date due~~

~~i. Amount due~~

~~j. Late payment charges~~

### **103-622.2. Late Payment Charges.**

A maximum of one and one half percent (1 1/2 %) may be added to any unpaid balance brought forward from the previous billing date to cover the cost of collection and carrying accounts in arrears. This method of late payment charge will be made in lieu of any other penalty. Billings for 900 and 900-type charges or non-regulated items are excluded from the balance on which a late fee may be imposed.

### **103-622.3. Disconnection and Reconnection.**

Whenever regulated telephone service is denied or discontinued for violation of rules and regulations, non-payment of bills or fraudulent use of telephone service, the telephone utility may make an approved tariff charge for cost incurred in disconnecting or discontinuing the regulated telephone communication service and reconnecting it after restoration and may require payment for service not previously billed.

### **103-622.4. Payment by Check.**

The telephone utility, at its option for good cause, may refuse to accept a check tendered as payment on a customer's account.

### **103-622.5. Deferred Payment Plan.**

The telephone utility may provide for the arrangement of a deferred payment plan to enable a residential customer to make payment by installments where such customer is unable to pay the amount due for service. The deferred payment plan may require the affected customer to maintain his account current and pay not less than 1/6 of the outstanding balance for a period not to exceed six months. The outstanding balance may include the late payment charge authorized by R. 103-622.2. A deferred payment plan is any agreement to defer a payment to the next billing cycle.

### **103-623. Adjustment of Bills.**

If it is found that a ~~telecommunications~~ telephone utility has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such ~~telecommunications~~ telephone utility than that prescribed in the schedules of such ~~telecommunications~~ telephone utility applicable thereto then filed in the manner provided in Title 58 of the South Carolina Code of Laws, or if it is found that any customer has received or accepted any service from a ~~telecommunications~~ telephone utility for a compensation greater or lesser than prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as provided by the following:

#### **103-623.1. Customer Willfully Overcharged.**

If the ~~telecommunications~~ telephone utility has willfully overcharged any customer, the ~~company~~ telephone utility shall refund the difference, plus interest, as prescribed by the ~~Commission~~, for the period of time that can be determined that the customer was overcharged.

#### **103-623.2. Customer Inadvertently Overcharged.**

If the ~~telecommunications~~ telephone utility has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the ~~telecommunications~~ telephone utility shall, for any amount of dollar (\$1.00) or more (amounts less than \$1.00 will be credited to account) at the customer's option, credit, or refund the excess amount paid by that customer or credit the amount billed as provided by the following:

- a. If the interval during which the customer was overcharged can be determined, then the ~~telecommunications~~ telephone utility shall credit or refund the excess amount charged during the interval, provided that the applicable statute of limitations shall not be exceeded.
- b. If the interval during which the customer was overcharged cannot be determined then the ~~telecommunications~~ telephone utility shall credit or refund the excess amount charged during the 12-month period preceding the date when the error was discovered.
- c. If the exact amount of the overcharge incurred by the customer during the billing periods subject to adjustment cannot be determined, then the credit or refund shall be based on an appropriate estimated amount of excess payment.

#### **103-623.3. Customer Undercharged Due to Willfully Misleading Company.**

If the ~~telecommunications~~ telephone utility has undercharged any customer as a result of a fraudulent or willfully misleading action of that customer, or any action by any person (other than the employees or agents of the ~~telecommunications~~ telephone utility), such as

tampering with the facilities, when it is evident that such tampering or bypassing occurred during the residency of that customer, or if it is evident that a customer has knowledge of being undercharged without notifying the ~~telecommunications~~ telephone utility as such, then the ~~telecommunications~~ telephone utility shall recover the deficient amount provided as follows:

- a. If the interval during which the customer was undercharged can be determined, then the ~~telecommunications~~ telephone utility shall collect the deficient amount incurred during the entire interval, provided the applicable statute of limitations is not exceeded.
- b. If the interval during which the customer was undercharged cannot be determined, then the ~~telecommunications~~ telephone utility shall collect the deficient amount incurred during the 12-month period preceding the date when the billing error was discovered by the ~~telecommunications~~ telephone utility.

#### **103-623.4. Customer Undercharged Due to Human or Machine Error.**

If the ~~telecommunications~~ telephone utility has undercharged any customer as a result of a misapplied schedule, or any human or machine error ~~when~~ then the ~~telecommunications~~ telephone utility may recover the deficient amount as follows:

- a. If the interval during which a customer was undercharged can be determined, then the ~~telecommunications~~ telephone utility may collect the deficient amount incurred during the entire interval up to a maximum period of six months.
- b. If the interval during which a customer was undercharged cannot be determined, then the ~~telecommunications~~ telephone utility may collect the deficient amount incurred during the six month period preceding the date when the billing error was discovered by the ~~telecommunications~~ telephone utility.
- c. The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills devoid of late charges, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.

#### **103-624. Applications for Service.**

##### **103-624.1. Method.**

Applications for service may be oral or in writing.

##### **103-624.2. Obligation.**

The applicant shall, at the option of the telephone utility, be required to sign a service agreement or a contract. In the absence of such service agreement or contract, the accepted application shall constitute a contract between the telephone utility and the

applicant, obligating the applicant to pay for service in accordance with the telephone utility's tariff currently on file with the Commission and the ORS, and to comply with the Commission's and the telephone ~~utilities'~~ utility's rules and regulations.

### **103-624.3. Termination.**

When a customer desires to have his service terminated, he must notify the telephone utility. Such notification may be oral or in writing. The telephone utility shall be allowed a reasonable period of time after the receipt of such notice to send a final bill.

### **103-625. Reasons for Denial or Discontinuance of Service.**

Service may be refused or discontinued for any of the reasons listed below, for any reason set forth in the utility's tariffs, or for any reason set forth in the utility's individual contracts for services. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued.

- a. Without notice, in the event of a condition determined by the telephone utility to be hazardous or dangerous.
- b. Without notice, in the event of customer use of equipment in such a manner as to adversely affect the telephone utility's service to others.
- c. Without notice, in the event of unauthorized use of telephone service.
- d. For the customer tampering with equipment furnished and owned by the telephone utility.
- e. For violation of and/or non-compliance with the Commission's Orders or regulations governing service supplied by the telephone utilities.
- f. For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the Commission.
- g. For failure of the customer to permit the telephone utility reasonable access to its equipment.
- h. In cases of ~~extreme risk~~ involving abnormal and excessive use of toll service, service may be denied two (2) days after written notice is given to the customer, unless satisfactory arrangements for payment are made.
- i. For failure of the customer to provide the telephone utility with a deposit as authorized by 103-621(1).
- j. For failure of the customer to furnish permits, certificates, and/or right-of-ways, as necessary to obtain service, or in the event such permissions are withdrawn or terminated.



k. Where there is probable cause to believe that there is illegal or willful misuse of telephone utility's service.

l. No telephone utility shall be required to furnish its service or to continue its service to any applicant who, at the time of such application, is indebted under an undisputed bill to such telephone utility for telephone service previously furnished such applicant or furnished any other member of the applicant's household. However, for the purposes of this regulation, the telephone utility may not consider any indebtedness which was incurred by the applicant or any member of his household more than six (6) years prior to the time of application.

m. For non-payment of that portion of the bill rendered by the ~~local~~ telephone utility Company for ~~telecommunications~~ telephone service billed for another ~~telephone common carrier~~ telephone utility.

n. Without notice, in the event of a ~~COCOT~~ PSP violation of a ~~C~~commission Order of which the ~~COCOT~~ PSP has been notified and has failed to correct the violation within the amount of time specified in such notification.

#### **103-626. Insufficient Reasons for Denying Service.**

The following shall not constitute cause for refusal of service to a present or prospective customer:

a. Non-payment for services by a previous occupant of the premises to be served, unless such previous occupant shall benefit from such new service or unless the new occupant benefited from such old service.

b. Failure to pay for merchandise purchased from the telephone utility.

c. Failure to pay for non-communications service provided by the telephone utility, including, but not limited to, any non-regulated ~~telecommunications~~ telephone equipment or services furnished by the company.

d. Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residential service or vice versa.

e. Failure to pay billings associated with 900 and 900-type numbers or non-regulated charges.

#### **103-627. Rights of Access.**

The authorized agents of the telephone utility shall have the right of access to the premises supplied with telephone service, at reasonable hours, for the purpose of maintenance, removal and inspection or for any other purpose which is proper and necessary in the conduct of the telephone utility's business.

### **103-628. Customer Complaints.**

A. Complaints concerning the charges, practices, facilities, or service of the telephone utility shall be investigated promptly and thoroughly. The telephone utility shall keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

B. The telephone utility, except in cases of high toll usage, and when given at least four hours notice shall not terminate service to a complainant until an answer to the complaint is conveyed to the ORS. A written or oral response is allowable for complaints that the telephone utility wishes to dispose of immediately. The use of an oral response does not preclude supplying the ORS with a written response to written complaints.

#### **103-628.1. Written Complaints**

Complaints received by the ORS concerning the charges, practices, facilities, or service of a telephone utility shall be investigated promptly and thoroughly. Each telephone utility shall respond to the complaint conveyed to the telephone utility by the ORS in a timely and thorough manner, not to exceed fourteen days from the receipt of the complaint by the telephone utility in writing.

#### **103-628.2. Oral Complaints**

Oral complaints, including inquiries, shall be processed as soon as possible after being received. All complaints of this nature will be investigated and disposed of within 7 days, unless the complaint is of an extraordinary nature.

### **103-629. Tariffs, Rules and Regulations.**

A copy of the telephone utility's tariffs as filed with ~~this the~~ the ~~Commission and the ORS~~ the ~~and the utility's rules and regulations as provided for in R. 103-605 shall be on file in the local business offices of the utility and~~ shall be available for inspection ~~of~~ by the public.

### **103-630. System Which Telephone Utility Must Maintain.**

Each telephone utility, unless specifically relieved in any case by the Commission from such obligation, shall operate and maintain in safe, efficient and proper conditions, all of the facilities and instrumentalities used in connection with the furnishing of telephone service excluding customer provided equipment.

### **103-631. Directories.**

Telephone directories shall be published at regular intervals, listing the name, address, and telephone numbers of all customers, except public telephone and telephone service unlisted at customer's request.

A. The telephone utility shall list its customers with the directory assistance operators to provide the requested telephone numbers based on the customer's name and address when such requests are made by communication users, except public telephones and telephone service unlisted at customer's request.

B. Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and a copy of each directory shall be furnished to the ~~Commission~~ and ORS.

C. The name of the telephone utility, an indication of the area included in the directory and the month and year of issuance shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front pages of the directory, and shall be provided without charge to the agency located within the telephone utility's certificated area. Also, in the front portion of the directory shall appear the address and telephone number of the Public Service Commission and the Office of Regulatory Staff.

D. The directory shall contain instructions concerning placing of long distance calls, calls to repair and directory assistance services, and locations and telephone numbers of telephone company business offices as may be appropriate to the area served by the directory.

E. Directory assistance operators shall have access to records of all telephone numbers in the area for which they are responsible for furnishing directory assistance service except telephone numbers not published at customer's request.

F. Each telephone utility shall make every effort to list its customers with directory assistance as necessary for the directory assistance operators to provide the requested telephone numbers based on customer names and service locations to minimize "not found" numbers where the address is different from the address normally associated with an exchange directory.

G. In the event of an error in the listed numbers of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In such event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the directory assistance operators. The correct number furnished the calling party either upon request or interception.

H. Whenever any customer's telephone number is changed after a directory is published, the telephone utility shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number provided existing central office equipment will permit, and the customer so desires.

I. When additions or changes in plant or changes to any other telephone utility operations necessitates changing telephone numbers to a group of customers, reasonable notice shall

be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

J. Approval must be obtained from the ~~C~~commission prior to a reduction in the size of print in the alphabetical section of the directory.

### **103-632. 900 & 900-Type Services Offerings.**

The telephone utility may act as the carrier and bill for 900 and 900-type services subject to the following constraints:

#### **103-632.1. No Denial of Service.**

~~Telecommunications~~ Telephone services may not be denied for dispute or nonpayment of 900 and 900-type services.

#### **103-632.2. Safeguards for Children's Programs.**

Safeguards shall be utilized to protect against abuses directed at children. These safeguards shall include:

(a) mandatory preambles.

(b) appropriate indications to children, both in the program's promotion and preamble, that their parent's or guardian's permission must be received.

(c) programming directed at children shall not include the enticement of a gift or premium.

#### **103-632.3. Preambles.**

Preambles will be used for all children's programs. All other 900 programs, except for flat rated calls whose price does not or cannot exceed \$2.00 per call, shall require a preamble. End users shall not be charged for the preamble. The time duration of the preamble shall be adequate to inform the caller of the nature and cost of the call, and allow the caller the opportunity to disconnect prior to the commencement of charges.

#### **103-632.4. Availability of 900 Access.**

(a) When and where technically feasible, the local exchange company shall offer one time free set up for access or blocking of all 900 and 900-type services to its customers. Subscribers shall be given this option at the time service is established. ~~New customers who do not indicate a choice will be automatically blocked.~~ Any subsequent subscriber request for a change in the status of that customer's access to 900 and 900-type services will require the imposition of the ~~C~~commission's approved tariffed service charge or charges. However, in situations where a customer choice is requested pursuant to a

Commission authorized process (i.e., ballot or otherwise), no service charge shall be imposed on that customer.

(b) The local exchange company shall require written requests for unblocking. The company may further require that such requests be accompanied by appropriate subscriber identification.

(c) No monthly or other recurring charge shall be imposed to maintain blocking of or access to 900 and 900-type numbers.

(d) In situations where a subscriber is in arrears for 900 and 900-type services two times within a twelve month period (for reasons not involving a legitimate complaint), the local exchange company may initiate 900 number blocking of that account.

#### **103-632.5.**

~~Telecommunications~~Telephone carriers are prohibited from acting as billing and collection agents for 900 and 900-type services that are fraudulent, unfair, deceptive; or advertised, promoted or marketed in violation of South Carolina and Federal laws.

#### **103-633. Procedures for Termination of Service.**

Service may be terminated for non-payment of a bill, provided that the telephone utility has made a reasonable attempt to effect collection and has given the customer written notice that he has five days in which to make settlement on his account or have his service disconnected. Service will be terminated only on Monday through Thursday between the hours of 8:00 A.M. and 4:00 P.M., unless provisions have been made to have someone available to accept payment and reconnect service.

### **SUBARTICLE 4**

### **ENGINEERING**

#### **103-640. Requirements for Good Engineering Practice.**

The plant of each telephone utility shall be constructed, installed, maintained, and operated in accordance with accepted good engineering practices and regulations, included by reference as part of these rules as far as possible. Continuity of service, uniformity in quality of service furnished, and the safety of persons and property shall be maintained.

#### **103-641. Acceptable Standards.**

Unless otherwise specified by the commission, each telephone utility shall use the applicable provision in the publication listed below as standards of accepted good practices:

a. Latest edition of The National Electrical Safety Code.

#### **103-642. Acceptable References.**

~~Telephony's~~ Newton's Telecom Dictionary as published by ~~Telephony Publishing Corporation, 55 East Jackson Blvd., Chicago, IL 60604~~ CMP Books, 12 West 21 Street, New York, NY 10010.

#### **103-643. Adequacy of Service.**

The capacity of the telephone utility's plant shall be sufficiently large to meet all reasonably expected requests for service. See 103-663(1). Where new construction is required, reasonable allowance will be made for construction and activation of new facilities.

#### **103-644. Inspection of Plant.**

A. Each telephone utility shall adopt a program of inspection of its plant in order to determine the necessity for replacement and repair. The frequency of various inspections shall be based on the telephone utility's experience and accepted good practice.

B. Each telephone utility shall maintain its plant, equipment, and other facilities at all times in a reasonably adequate and serviceable condition consistent with the Commission's Rules and accepted industry standards.

C. The telephone equipment, apparatus and lines furnished by the telephone utility shall remain the property of the telephone utility, and no instrument, appliance or device of any kind not furnished by the telephone utility shall be attached to or in any way used in connection with such telephone equipment, apparatus, and lines, either directly or indirectly, by induction or otherwise, except in accordance with the guidelines contained in Part 68 of the Federal Communications Commission's Rules and Regulations. In the event any instrument, apparatus, or device of any kind other than that furnished by the telephone utility, or as excepted above, is attached to or connected with any part of its properties, the telephone utility shall have the right to remove such instrument, apparatus, or device in accordance with the applicable law.

#### **103-645. Hazardous Locations.**

Explosive Atmospheres and Other Hazardous Locations. No telephone ~~company~~ utility shall be required to install or maintain any of its apparatus or equipment in explosive atmospheres, or at outdoor or other locations which, in its judgment, are not suitable for the location of its service and facilities.

#### **103-646. Emergency Operation.**

A. Telephone utilities shall make reasonable provisions to meet emergencies resulting

from failures of lighting or power services, unusual and prolonged increases in traffic, illness of personnel, or from fire, storm, or other acts of God and inform its employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of ~~telecommunications~~ telephone service.

B. Each central office shall contain as a minimum two hours of battery reserve. All central offices shall make adequate provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected within the period of the battery reserve and can maintain the office for an extended period of time.

C. In exchanges exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

## **SUBARTICLE 5**

### **INSPECTION AND TESTS**

#### **103-650. Telephone Utility Inspection and Test.**

A. Each telephone utility shall adopt a program of periodic tests, inspections, and preventive maintenance aimed at achieving efficient operation of its system and the rendition of safe, adequate and continuous service.

B. Each telephone utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities provided by the telephone utility both for routine maintenance and for trouble location. The actual transmission performance of each telephone network shall be monitored in order to determine if the established objectives and operating requirements are met. This monitoring function shall consist of circuit order tests prior to placing trunks in service, routine periodic trunk tests, periodic noise tests of a sample of customer loops in each exchange, and special transmission surveys of the telephone network.

#### **103-651. ~~Commission~~ ORS Inspection and Test.**

When tests are conducted by the ~~Commission~~ ORS, its staff or its representatives, to ensure or determine if the provision of these rules herein contained are being adhered to, each telephone utility shall assist with such test as requested provided such request is in accordance with all legal requirements and sanctions.

#### **103-652. Testing Facilities.**

A. Each telephone utility shall, unless specifically excused by the ~~Commission~~, provide such instruments and other equipment and facilities as may be necessary to make the tests required of it by these rules or other orders of the ~~Commission~~ or as requested by the ORS. The apparatus and equipment so provided shall be available at all times for inspection by any member or authorized representative of the ~~Commission~~ ORS.

B. Each telephone utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as is herewith provided, as requested by the ORS, or as may be approved or ordered by the ~~C~~commission.

### **103-653. Trouble Reports.**

A. Each telephone utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints. Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the ~~Commission~~ORS or its authorized representatives upon request at any time within the period prescribed for retention of such records.

B. Provisions shall be made to clear all trouble of any emergency nature at all hours, consistent with the needs of customers and the personal safety of telephone utility personnel.

C. Provisions shall be made to normally clear all other out-of-service troubles not requiring unusual repair, such as cable failures, within 24 hours of the report received by the telephone utility excluding Sundays and holidays unless the customer agrees to another arrangement.

D. Provisions shall be made to keep all commitments to customers. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

### **103-654. Maintenance of Plant and Equipment.**

A. Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate and continuous service at all times.

B. Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and the adequate service performance of the plant affected, such as:

1. Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced.
2. Adjustable apparatus and equipment shall be readjusted as necessary when found to be in an unsatisfactory operating condition.
3. Electrical faults, such as leakage or poor insulation, noise induction, crosstalk, or poor transmission characteristics shall be corrected to the extent practicable.



## **SUBARTICLE 6**

### **STANDARDS AND QUALITY OF SERVICE**

#### **103-660. Quality of Service.**

It shall be the obligation of each telephone utility, dependent upon their ability to procure and retain suitable facilities and rights for the construction and maintenance of the necessary circuits, to furnish reasonably adequate telephone service to telephone customers in the area or territory in which it operates. Such service is to be rendered according to lawfully established and approved rates and charges for the specific territory involved.

#### **103-661. Interruptions of Service.**

A. Each telephone utility shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be reestablished within the shortest time practicable, consistent with safety.

B. Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded by adequate notice to those who will be affected.

C. Each telephone utility shall notify the ~~Commission~~ ORS of any major service outage affecting over ten percent (10%) of its subscribers in a given area (see also R. 103-614). The telephone utility shall provide a copy of any major service outage report required by the Federal Communications Commission Regulations to the ORS. The information shall be made available in written form upon request.

#### **103-662. Restrictions on Use of Service.**

Each telephone utility may impose reasonable restrictions on the use of telephone service during periods of excessive demand or other difficulty which jeopardizes the quality of service to any group of customers.

#### **103-663. Service Standards.**

##### **103-663.1. Availability of Service.**

Orders for new service, where all tariff requirements have been met, shall be completed within the interval shown below after receipt of the application, excepting those where a later date is requested by the customer or where special equipment or service is involved:

A. Service Orders for Installation and Re-installations:

85% within 5 working days

B. Commitments fulfilled: 85%

Commitments shall be made for a specific day.

### **103-663.2. Equipment Requirements.**

A. The central office and interoffice trunk equipment shall be maintained so as to meet the following standards during an average business day (8:00 AM to 5:00 PM):

Failure rate on intraoffice calls--1.5%

Failure rate on interoffice calls--3%

The failure rate for interoffice calls applies to EAS and multioffice trunking calls but not to toll calls.

B. The central office and interoffice trunk standards are the objectives to be used by the ~~Commission~~ ORS staff when testing. The telephone utilities are not required to perform tests or maintain records of these items.

### **103-663.3. Subscriber Loop-Transmission Objectives.**

The following standards are objectives to be used by the ~~Commission~~ ORS staff during testing at the subscriber's station protector. Acceptable measurements are:

DC Line Current: greater than 20 mA

Circuit Loss: less than 8.5 db

Circuit Noise: less than 20 dBrnC

Power Influence: less than 90 dBrnC

Balance greater than 60 dB

(Where Balance (dB) = Power Influence - Circuit Noise)

### **103-663.4. Dialtone.**

Central office equipment shall be maintained so as to meet the following standards:

98% of all calls shall receive dialtone within three (3) seconds.

### **103-663.5. Answering Time.**

Each telephone utility shall provide adequate personnel and equipment so as to meet the following service objectives under normal operating conditions:

- a. Toll and operator assistance calls answered within 10 seconds (does not include directory assistance calls): 90%
- b. Calls to repair service answered within 20 seconds: 90%
- c. Directory assistance answered within 30 seconds: 80%

#### **103-663.6. Customer Trouble Reports.**

A. Service by each telephone utility shall be such that the number of customer trouble reports per 100 total access lines in service per month shall not exceed the following:

EXCHANGE/REPORTING GROUP

SIZE OBJECTIVE

OVER 7,500 ACCESS LINES 5.0

UNDER 7,500 ACCESS LINES 7.0

Unusual situations caused by storms, unavoidable casualties or other conditions causing an excess number of reports should be explained in the trouble report.

B. A customer trouble report is any oral or written notice received by the telephone utility (other than problems detected by the telephone utility's internal diagnostics) indicating difficulty or dissatisfaction with the performance, physical condition, location or appearance of the utility's regulated telephone plant or equipment.

#### **103-663.7. Customer Out of Service Trouble Clearing Time.**

Provisions shall be made to normally clear all out of service troubles within twenty-four hours of the reported time to the telephone utility, excluding weekends and holidays, unless the customer agrees to another arrangement. The out of service trouble clearing time objectives for ~~telecommunications~~ telephone utilities is 85% within 24 hours.

### **SUBARTICLE 7**

#### **SAFETY**

#### **103-670. Acceptable Standards.**

As criteria of accepted good safety practice the ~~E~~Commission will use the applicable provisions of the standard listed in R.103-641.

### **103-671. Protective Measures.**

Each telephone utility shall exercise reasonable care to reduce the hazards to which its employees, its customers and the general public may be subjected.

### **103-672. Safety Program.**

Each telephone utility shall adopt and execute a safety program fitted to the size and type of its operation.

## **SUBARTICLE 8**

### **TELECOMMUNICATION RELAY SERVICE ADVISORY COMMITTEE**

#### **103-680. Role of the Advisory Committee.**

The Telecommunication Relay Service Advisory Committee shall monitor the establishment, administration, and promotion of the telecommunications relay service, and advise the ~~C~~ommission on ways the service may be enhanced to better meet the communication needs of the hearing and speech impaired.

#### **103-681. Committee Name.**

The Advisory Committee shall be known as the Telecommunications Relay Service (TRS) Advisory Committee.

#### **103-682. Composition of the TRS Advisory Committee.**

1. The TRS Advisory Committee shall be comprised of members from the agencies as designated by statute.
2. The TRS Advisory Committee shall select a person from among its members to serve as chairman.
3. Members of the TRS Advisory Committee shall serve at the pleasure of the Commission.
4. Members of the TRS Advisory Committee shall serve without compensation.

#### **103-683. Meetings.**

1. The TRS Advisory Committee shall meet no less than once per quarter. Other meetings shall be called at the discretion of the chairman.
2. Meetings shall be publicly noticed as far in advance as is practicable.
3. The chairman shall ensure that a qualified interpreter(s) is present at all called

meetings.

**103-684. Commission Approval.**

1. The Ecommission anticipates that the TRS Advisory Committee shall make all decisions which are necessary to perform its functions as specified in 103-680. However, the Ecommission retains its right to review and approve the decisions of the TRS Advisory Committee.
2. The Commission Staff or the ORS Staff, TRS Advisory Committee members, or any other committee members, may require that committee recommendations be approved by the Ecommission.
3. The Ecommission must approve any and all proposed expenditures from the operating fund.